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by examiners. If the judges permitted writs to be amended freely, they would be depriving the king's treasury of legitimate revenue. "If the examiners had found this defect," says Stanton, J., "would they have passed the writ for the seal? Scrope, (counsel) No, sir. Stanton, J., And why should we uphold it?" At page 163, the court lays down the umpire theory with great positiveness. Counsel asks the opinion of the court as to how he should proceed. The judge answers: "By the faith which I owe, you will not have judgment from us upon what point you should take your stand, but do you yourselves consider on what you will do."

We have noted the following points of more or less general interest decided and discussed in these reports: Judicial notice not taken of the age of a person in court, (page 19), attempt to prove conveyance of reversion without deed, (page 32), husband and wife treated as joint tenants, (page 41), suit for debt in ecclesiastical courts abated (page 97), progress in women's rights, (page 122), mediaeval bookkeeping (pages 127, 136, 154), executor suing himself personally (page 150).

A matter of interest of a different kind that may be mentioned for what it is worth is the fact that the forty-sixth case in the roll is entitled *Bardolf v. Bardolf*, the fiftieth case *Pecham v. Poynz*. It may be only an accidental coincidence that the author of *Henry IV* also used these same names in close connection, but is it not possible that the quick eye of the dramatist had seized upon these peculiar names in one of the manuscripts of this roll, and fitted them to the characters?

Membership in the Selden Society costs one guinea a year, entitling the member to its publications. Its printed list shows but two members in the State of California. At least all the larger public libraries should be members.

O. K. M.

THE ILLEGALITY OF THE TRIAL OF JESUS. By Honorable John E. Richards. THE LEGALITY OF THE TRIAL OF JESUS. By S. Srinivasa Aiyar. A. L. Chatterton, 354 Fourth Ave., N. Y. 1914. pp. 92. \$2.00.

Nothing is more difficult, certainly, than to keep the even balance of judicial opinion when dealing with subjects closely connected with the life of the founder of our faith. One instinctively becomes the advocate.

Judge Richards brings to his treatment of the trial of Jesus the training of a lawyer combined with deep religious feeling. We follow his pages with sympathy, and yet with the feeling that considerations of religious fervor have mingled with a scientific interest. Justice Aiyar is respectful, but evidently unembarrassed by any bias in favor of Christianity. His argument discloses the characteristics of the eastern mind. There is no clear cut analysis, and the effort to grasp it as a whole

results in illuminating touches, intermingled with irrelevant matter. To us such a manner is tantalizing and seemingly superficial.

This subject has attracted the attention of many lawyers, as well as theologians and New Testament scholars. Aside from its religious interest, the trial of Jesus has a certain fascination. The incidents connected with it are dramatic and the characters are clearly portrayed in the picture which the record presents.

Both these essayists give much importance to the trial before the Sanhedrin, but the hearing before this ecclesiastical court seems to have been little better than a farcical examination. Prior to the Roman domination, this great court had a national character as the first court of appeal for all questions connected with Mosaic law, and also enjoyed a considerable amount of criminal jurisdiction. But Schürer tells us that from the time Judea became a Roman province the *jus gladii* had been taken away from the Jews. It would be a mistake to suppose that the Romans left the provincial court anything but the forms. All real power was taken away, and the high officials recognized this to be so.

The removal of the cause from the Sanhedrin to the court of the procurator was not in the nature of an appeal, for Pilate threw out, not only the verdict, but the charges on which it was based,—blasphemy and the threat to overthrow the temple. When Jesus was brought before the procurator the trial began *de novo*. The former judges became the accusers, and a new charge of high treason against Caesar was substituted.

Doubtless the anxiety of the Jewish officials to bring Jesus before their own court was to maintain the legal forms according to the ancient code, but in this they did not fully succeed. As Judge Richards points out, the trial had its inception in illegality because of the effort to take Jesus secretly, and the arrest of Jesus was accomplished at night, while under the Jewish law no step in such a cause could be taken at night. So that in point of form even, the sentence of the Jewish court was not strictly legal. Justice Aiyar, on the other hand, quotes Professor Greenleaf to the effect that "if we regard Jesus simply as a Jewish citizen, and with no higher character, his conviction seems substantially right in point of law It is not easy to perceive on what ground his conduct could have been defended before any tribunal unless you thought of his superhuman character."

The question, however, centers on the legality of the trial before Pilate. Our reports give us a picture of turbulence. An angry mob insisted on crucifixion, and cried out: "If thou let this man go thou art not a friend of Caesar." Pilate sat not so much as a judge, as an executive, and after attempting the subterfuge of sending Jesus to Herod, finally yielded to their clamor.

Where the life of a Roman citizen was not at stake, the elaborate system of the Romans for the conduct of trials was not always followed, and in the more tumultuous provinces, like Judea, the governor was left largely to his own discretion. We can hardly say, therefore, that it was illegal for Pilate to order Jesus to be crucified.

W. W. B.

THE JUVENILE COURT AND THE COMMUNITY. By Thomas D. Eliot. The Macmillan Co., 66 Fifth Ave., N. Y. 1914. pp. xv, 234. \$1.25 net.

This volume shows, on the part of the author, a careful and intelligent study of Juvenile Court conditions throughout the United States. In fact that part of the book which deals definitely with conditions as they exist in the different localities is particularly instructive to one desirous of gaining some knowledge of the position of the Juvenile Court in the different cities of this country.

The author, however, intends the book as somewhat more than a survey. In it he puts forward his definite conception of the relation to the community of the Juvenile Court and the work that it is now doing. It is his thesis that the Juvenile Court while it has done a very important work should hold as an ideal its own self-effacement. The process to this end is indicated clearly and in such a fashion as not to necessitate special knowledge. The argument runs somewhat as follows. There is prevalent at present a somewhat general criticism of the Juvenile Court both from within and without. This is caused by the fact that the eventual structure will be something different and more thorough-going than the Juvenile Court. For the problem of the abnormal child is ultimately not a judicial problem. It is rather an educational one. By educational the author intends to include the work of the probation officer, the parental and correction schools, the playgrounds, the diagnosing and prognosing clinic, the employment bureau, as well as the usual educational instrumentalities. Though some of these instrumentalities are not in their normal use strictly educational, still in the author's opinion they should be allied to and used as a part of it when effort is being made to bring a child into a normal relationship with the community. He considers the work of the probation officer chiefly that of establishing "constructive friendship" which is really an educational work. Also he considers as particularly an educational work that of the friendly visitor. He admits freely that the Juvenile Court must continue in existence for a number of years and must occasionally do those odd jobs which are not really judicial whenever there is no other efficient agency to take care of the work. However,